

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**December 2, 2003**

## DIVISION TWO

B169905      Raymond E.      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition for writ of mandate is denied. The order to show cause is discharged.

Doi Todd, J.

We concur:   Nott, Acting P.J.  
                   Ashmann-Gerst, J.

B158569      Ninety Nine Investments, Ltd.      (Certified for Publication)  
v.  
Overseas Courier Service (Singapore) Private, Ltd.

The judgment is reversed. The matter is remanded to the trial court for an entry of judgment for specific performance in favor of appellant. Appellant to recover costs on appeal.

Doi Todd, J.

We concur: Boren, P.J.  
Ashmann-Gerst, J.

B162345 People  
v.  
Fanning

Filed order denying petition for rehearing.

DIVISION THREE

B155283      Zurn Constructors, Inc.      (Not for Publication)  
v.  
Castaic Lake Water Agency

The judgment and order awarding attorney fees are affirmed. Zurn is entitled to costs on appeal.

Kitching, J.

We concur: Klein, P.J.  
Croskey, J.

B163364      Sailor J. Kennedy      (Not for Publication)  
v.  
Far East National Bank

The judgment is affirmed as to plaintiff's fourth, seventh, and eighth causes of action. The judgment is reversed as to plaintiff's first, second, third, fifth, and sixth causes of action. Cost on appeal are to be borne equally by the parties.

Kitching, J.

We concur: Croskey, Acting P.J.  
Aldrich, J.

B167226      L.A. County Dept. of Children and Family Services      (Not for Publication)  
v.  
Rhonda H.

The judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.  
Aldrich, J.

DIVISION THREE (Continued)

B161037      Reema D. Arakelian, et al.                      (Not for Publication)  
                 v.  
                 Ron Conquest, et al.

The order of dismissal is reversed as to defendant Conquest with respect to the sustaining of demurrers to the cause of action for fraud, deceit, and concealment and to the cause of action for negligent misrepresentation. As to all other causes of action, the orders of dismissal are affirmed. Costs on appeal are awarded to defendants.

Kitching, J.

We concur:    Croskey, Acting P.J.  
                 Aldrich, J.

DIVISION FOUR

B121917      Simon    (Certified for Publication)  
                 v.  
                 San Paolo U.S. Holding Company, Inc.

The judgment is affirmed. Costs are awarded to Simon.

Hastings, J.

We concur:    Epstein, Acting P.J.  
                 Curry, J.

B157200      Guiragosian    (Not for Publication)  
                 v.  
                 Southern California Edison Company

The judgment is affirmed. Respondent shall have his costs on appeal.

Hastings, J.

I concur:      Curry, J.  
I dissent:      Vogel (C.S.), P.J. (Opinion)

December 2, 2003 (Continued)

## DIVISION FOUR (Continued)

B162612      Evans      (Not for Publication)  
v.  
County of San Bernardino, et al.

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

B165381      Jamieson-Smith      (Not for Publication)  
v.  
Nash

The order is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.  
Curry, J.

B163977      Orona, et al.      (Not for Publication)  
v.  
Nakamura, et al.

The order of dismissal (judgment) is reversed. Plaintiffs are to recover their costs on appeal.

Epstein, Acting P.J.

We concur: Hastings, J.  
Curry, J.

December 2, 2003 (Continued)

## DIVISION FOUR (Continued)

B161599      Lo      (Not for Publication)  
v.  
Fang, et al.

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.  
Curry, J.

DIVISION SIX

[illegible]

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.  
Perren, J.

B164268      People                      (Not for Publication)  
v.  
Osorno

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.  
Coffee, J.

December 2, 2003 (Continued)

## DIVISION SIX (Continued)

[illegible]

The superior court shall issue a nunc pro tunc order clarifying that the maximum term on the original NGI commitment was four years six months and ran from March 19, 1998, to September 19, 2002. The order extending Dalessio's NGI commitment for a two-year term shall be modified to reflect that the two-year term commenced on September 19, 2002. As so modified, the judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Perren, J.

## DIVISION SEVEN

Court convened at 9:00 a.m.

Present: Perluss, P.J., Johnson, J., Woods, J., Zelon, J. and Eva McClintock, Deputy Clerk.

Each of the following:

B158321 People v. Brisco & Henry  
B159398 People v. Cole  
B159611 People v. Morales  
B160903 People v. Millsap  
B162370 People v. King  
B162971 People v. Arzate  
B163395 People v. Molina  
B163942 People v. Magana  
B164502 People v. Alexander C.  
B164934 People v. Torres  
B165159 People v. Martinez

Argument waived, cause submitted.

DIVISION SEVEN (Continued)

B160534     People  
              v.  
              Rivas

Merits:  
Argued by Jeffrey Needelman for appellant and by Kim Aarons, Deputy Attorney General for respondent. Cause submitted.

B161487     People  
              v.  
              Chaney

Merits:  
Argued by Maxine Weksler for appellant and by Tita Nguyen, Deputy Attorney General for respondent. Cause submitted.

B165091     People  
              v.  
              White

Merits:  
Argued by Jane Malich, Deputy Attorney General for appellant and by Keith Wattley for respondent. Cause submitted.

B166960     People  
              v.  
              Truong

Merits:  
Argued by Roberta Schwartz, Deputy District Attorney for appellant and by Walter Pyle for respondent. Cause submitted.

B161642     Cummings  
              v.  
              Gunther, et al.

Merits:  
Argued by Arthur Kalnitt for appellant and by Pamela Hill for respondents. Cause submitted.

DIVISION SEVEN (Continued)

B163437     Parvizian  
              v.  
              Jewett

Merits:  
Argued by Syrus Parvizian for appellant and no appearance for respondent.  
Cause submitted.

B157527     Hernandez, et al.  
              v.  
              Department of Transportation

Merits:  
Argued by Brian Chase for appellant and by Ruth Yeager for respondent.  
Cause submitted.

Court recessed at 11:00 a.m.

Court reconvened at 1:30 p.m.

Present: Perluss, P.J., Johnson, J., Woods, J., Zelon, J. and Eva McClintock, Deputy Clerk.

B164591     People  
              v.  
              Johnson

Merits:  
Argued by Lora Martin for appellant and by Ellen Kehr, Deputy Attorney General for respondent. Cause submitted.

B164191     Samders  
              v.  
              Otero

Merits:  
Appellant's request to appear telephonically denied and no appearance for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B161683     A. Pearson-Sterling  
               v.  
               Darryl Pearson

Merits:  
Argued by Larry Lewellyn for appellant and by Wayne Dryden for respondent. Cause submitted.

B160299     Westfall, et al.  
               v.  
               Boktor

Merits:  
Argued by Simon Aron for appellants and by Thomas Nitti for respondent. Cause submitted.

B169108     Gelson's/Arden Group  
               v.  
               Workers Compensation Appeals Board  
               Maria Baez, Respondent

Merits:  
Argued by Florette Turchin for petitioner and by Richard Felton for real party in interest. Cause submitted.

Court adjourned at 2:31 p.m.

DIVISION EIGHT

B161672     Energy Merchants Corp., et al.     (Not for Publication)  
               v.  
               Cenco Refining Company

The judgment is affirmed. Powerine Oil Company and Siegfried K. Hodapp are to recover their costs on appeal.

Boland, J.

We concur:   Cooper, P.J.  
                     Rubin, J.